

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	Case No. 1:24-cr-1
)	
v.)	Judge Atchley
)	
MALIK PHILLIPS)	Magistrate Judge Dumitru

ORDER

Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count Four and Count Five of the five-count Indictment; (2) accept Defendant's guilty plea as to Count Four and Count Five; (3) adjudicate Defendant guilty of Count Four and Count Five; (4) defer a decision on whether to accept the plea agreement [Doc. 28] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter [Doc. 34]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's report and recommendation [Doc. 34] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count Four and Count Five of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count Four and Count Five is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count Four and Count Five;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **July 24, 2025, at 10:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

*/s/ Charles E. Atchley, Jr.*_____

CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE